

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JONES, ET AL,) CV-22-4486-BLF
)
PLAINTIFF,) SAN JOSE, CALIFORNIA
)
VS.) FEBRUARY 24, 2023
)
PGA TOUR, INC.,) PAGES 1-51
)
DEFENDANT.)
)
_____)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE BETH LABSON FREEMAN
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

FOR THE PLAINTIFF: **BY: JOHN B. QUINN**
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
865 S. FIGUEROA ST, FL 10
LOS ANGELES, CA 90017

FOR THE DEFENDANT: **BY: ELLIOT PETERS**
NICHOLAS GOLDBERG
KEKER, VAN NEST & PETERS LLP
633 BATTERY STREET
SAN FRANCISCO, CA 94111

APPEARANCES CONTINUED ON THE NEXT PAGE

OFFICIAL COURT REPORTER: SUMMER FISHER, CSR, CRR
CERTIFICATE NUMBER 13185

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED WITH COMPUTER

APPEARANCES CONTINUED:

FOR THE PLAINTIFF:

BY: JOSHUA LIPTON

GIBSON DUNN

1050 CONNECTICUT AVE. N.W.

WASHINGTON, DC 20036

FOR THE DEFENDANT:
PIF, AL-RUMAYYAN

BY: CAROLYN B. LAMM

WHITE AND CASE LLP

701 THIRTEENTH STREET, NW

WASHINGTON, DC 20005

1 PERSONAL JURISDICTION.

2 BUT AS LONG AS PLAINTIFFS PUT UP THE WALL, I DON'T KNOW
3 HOW YOU EXPECT THE DEFENDANTS TO JUST SAY, OKAY, I GUESS WE
4 HAVE TO GO TO TRIAL WITH A THREE-LEGGED STOOL INSTEAD OF WITH
5 THE DISCOVERY WE NEED.

6 MR. QUINN: WELL, YOUR HONOR, IN THE SCHEDULE THAT
7 YOUR HONOR SET, NONE OF US BUILT IN TIME OR ANTICIPATED, MAYBE
8 WE SHOULD HAVE, TIME FOR THESE APPEALS.

9 THE COURT: THAT'S RIGHT.

10 MR. QUINN: AND IF THERE IS A BRIEF CONTINUANCE, SOME
11 ENLARGEMENT OF TIME IS APPROPRIATE, WE CAN UNDERSTAND THAT.

12 THE COURT: SO LET ME TELL YOU ABOUT A BRIEF
13 CONTINUANCE, MR. QUINN.

14 MR. QUINN: YES, YOUR HONOR.

15 THE COURT: IF THIS WERE MY ONLY CASE, I WOULD BE
16 MORE THAN GLAD, BUT YOU DO UNDERSTAND THAT I HAVE 400 OTHER
17 CASES, AND EACH OF THE LITIGANTS IN THE OTHER 399 CASES
18 BELIEVES THEIR CASE IS AT LEAST AS IMPORTANT AS YOU BELIEVE
19 THIS CASE IS.

20 MR. QUINN: RIGHT, YOUR HONOR.

21 THE COURT: AND I WAS JUST SETTING CASES YESTERDAY
22 FOR TRIAL IN AUGUST OF 2025. AND SO I DON'T KNOW HOW MANY
23 TIMES YOU EXPECT ME TO GIVE PRIORITY TO THIS CASE. I'VE
24 ALREADY DONE IT TWICE. THE INITIAL TRIAL SETTING AND THE
25 CONTINUED TRIAL SETTING IS ON THE BACKS OF OTHER LITIGANTS WHO

1 HAVE BEEN WAITING IN LINE AHEAD OF YOU.

2 MR. QUINN: UNDERSTOOD, YOUR HONOR.

3 BUT MR. PETERS TRIVIALIZES IT. BUT I REPRESENT THREE
4 INDIVIDUALS WHOSE ABILITY -- WE CAN SAY, WELL, THEY GOT BIG
5 CHECKS. BUT IF YOU'RE A PROFESSIONAL ATHLETE, THE TIME THAT
6 YOU HAVE TO EXERCISE YOUR PROFESSION AND MAKE AN INCOME, MAKE A
7 LIVING, IS A VERY BRIEF -- IT'S A BRIEF PERIOD OF TIME. AND WE
8 ARE LOOKING AT PEOPLE BECAUSE THEY HAVE BEEN BLACK-BALLED, WHO
9 POTENTIALLY WILL NOT BE ABLE TO PRACTICE THEIR PROFESSIONS
10 AFTER 2024. THIS IS NOT IMAGINARY, WE HAVE PEOPLE --

11 THE COURT: OH, I UNDERSTAND.

12 MR. QUINN: ALL RIGHT. SO --

13 THE COURT: I MEAN, MR. WALTERS ADDRESSED THIS
14 THOROUGHLY AT THE MOTION FOR TEMPORARY RETRAINING ORDER. I
15 DIDN'T AGREE.

16 MR. QUINN: AND IT'S GOTTEN WORSE. THE TOUR HAS
17 ACTUALLY DOUBLED DOWN, AND NOW IN RECENT RULES AND NEWLY
18 ADOPTED RULES, HAVE BANNED NOT ONLY MEMBERS, BUT NON-MEMBERS OF
19 THE TOUR WHO PLAY FOR LIV. SO THEY HAVE ACTUALLY GOTTEN MORE
20 AGGRESSIVE.

21 LOOK, THIS IS A REALITY FOR THESE INDIVIDUALS. FOR THIS
22 BUSINESS, THE ASSUMPTION REALLY SHOULDN'T BE THAT, YOU KNOW,
23 LIV GOLF WILL BE AROUND BECAUSE IT'S GOT A BACKER WITH DEEP
24 POCKETS THAT THEY CAN FUND ANYTHING, THEY CAN PUT UP WITH THIS.
25 THE REALITY IS THIS BUSINESS ONLY WORKS IF THEY CAN RECRUIT

1 ELITE GOLFERS.

2 THE COURT: SURE.

3 MR. QUINN: ALL THE EVIDENCE IS, YOUR HONOR, THAT THE
4 PIF IS A RATIONAL, DISCIPLINED INVESTOR THAT INVESTS FOR A
5 RETURN.

6 THE OTHER SIDE KNOWS THIS. THEIR OWN CONSULTANT, WE HAVE
7 SEEN THIS IN DOCUMENTS THAT HAVE BEEN PRODUCED, THEIR OWN
8 CONSULTANT TOLD THE TOUR EXACTLY THAT, THAT THE PIF WON'T BE IN
9 THIS FOR A LONG RUN IF THEY ARE NOT GOING TO SEE AN OPPORTUNITY
10 FOR RETURN HERE. A STARTUP ONLY HAS A CERTAIN WINDOW OF
11 OPPORTUNITY.

12 SO, YOU KNOW, YOUR HONOR, THERE IS STILL A NEED FOR SOME
13 URGENCY HERE. WE'VE GOT NINTH CIRCUIT PRECEDENT ON THAT, THAT
14 WHEN IT COMES TO A SITUATION LIKE THIS, WHERE PEOPLE'S JOBS ARE
15 POTENTIALLY ON THE LINE, AN INJUNCTION IS SOUGHT, THAT PUTTING
16 A CASE ON ICE IS REALLY NOT WHAT OUGHT TO BE DONE.

17 AND WHAT WE ARE ASKING --

18 THE COURT: SO IT JUST DEPENDS ON THE REASON IT'S
19 BEING PUT ON ICE.

20 MR. QUINN: YEAH. BUT, YOUR HONOR --

21 THE COURT: AND THE QUESTION IS OF NOT PRODUCING
22 DOCUMENTS THAT JUDGE VAN KEULEN HAS ORDERED TO BE PRODUCED.
23 AND THAT'S --

24 MR. QUINN: I'M SORRY, YOUR HONOR, THAT'S A THIRD
25 PARTY.

1 LET ME JUST LOOK AT MY CALENDAR. I WOULD -- TIFFANY, DO
2 WE HAVE TRIAL ON APRIL 7TH?

3 THE CLERK: APRIL 7TH. NO, YOUR HONOR -- OH, I'M
4 SORRY. JUST A MOMENT. WE ARE SCHEDULED FOR JURY SELECTION IN
5 THE WANG CASE ON APRIL 7TH.

6 THE COURT: OKAY. MAYBE THE AFTERNOON THEN OF
7 APRIL 6TH. IF YOU COULD LOOK AT YOUR CALENDARS FOR APRIL 6TH
8 AT 1:30. I THINK YOU ARE ALL PACIFIC TIME, AREN'T YOU? I'M
9 LOOKING AT FACES HERE, I THINK YOU ARE ALL IN CALIFORNIA,
10 AREN'T YOU?

11 MS. LAMM: NO, NO. I AM EAST COAST.

12 THE COURT: OH, YOU ARE. I'M SORRY, MS. LAMM.

13 MS. LAMM: IT DOESN'T MATTER.

14 THE COURT: IT'S STILL GENERALLY WITHIN THE BUSINESS
15 DAY IF I SET IT AT 1:30.

16 MS. LAMM: THAT IS CORRECT. I'M HAPPY TO DO IT.

17 THE COURT: ALL RIGHT.

18 SO LET'S SET A FURTHER CASE MANAGEMENT CONFERENCE FOR
19 APRIL 6TH. THE ISSUE THAT I WANT TO ADDRESS IS THE STATUS OF
20 DISCOVERY, BECAUSE THE DOCUMENT PRODUCTION DEADLINE WILL HAVE
21 PASSED.

22 I EXPECT THAT YOU WILL HAVE COMPLETED ALL OF THE DOCUMENT
23 DISCOVERY, SEPARATE FROM THE THIRD PARTIES. MAYBE THERE WILL
24 BE SOME PENDING MOTIONS TO COMPEL. OBVIOUSLY YOU HAVE -- I'M
25 SURE YOU HAVE THE NORMAL 14 DAYS AFTER THE CLOSE OF DISCOVERY

1 TO FILE THOSE. YOU WILL BE ABLE TO GIVE ME AN UPDATE ON THAT.
2 I WILL WANT TO KNOW WHAT YOUR DEPOSITION SCHEDULE LOOKS LIKE, I
3 WILL EXPECT THAT YOU HAVE A DEPOSITION SCHEDULE BY THEN AND
4 THAT YOU WILL BE MOVING FORWARD ON -- TO MEET THE SUMMARY
5 JUDGEMENT DEADLINE.

6 I WANT TO JUST HIGHLIGHT THAT IF YOU ARE LOOKING AT
7 CROSS-MOTIONS FOR SUMMARY JUDGEMENT, AND WE CAN DISCUSS THIS IN
8 APRIL, I ONLY ALLOW FOUR BRIEFS AND CROSS-MOTIONS, BECAUSE THE
9 ISSUES OVERLAP. I JUST DON'T NEED SIX BRIEFS TO TELL ME THE
10 SAME THING SIX DIFFERENT TIMES. I THINK YOU ALL KNOW THE
11 FORMATTING ON CROSS MOTIONS, SO I WILL LEAVE IT AT THAT.

12 THE CLERK: YOUR HONOR, I'M SORRY TO INTERRUPT. I DO
13 HAVE FINAL PRETRIAL CONFERENCE ON APRIL 6TH FOR THE WANG V.
14 EHANG CASE.

15 THE COURT: THEN -- I THOUGHT YOU SAID I HAD WANG
16 JURY SELECTION ON THE 7TH?

17 THE CLERK: THAT IS FOR --

18 THE COURT: THE DIFFERENT WANG CASE.

19 THE CLERK: THE DIFFERENT WANG CASE, YES. THAT IS
20 FOR WANG V. FORENSIC PROFESSIONAL GROUP.

21 THE COURT: SO THAT'S NOT A JURY CASE.

22 THE CLERK: OH, HAS THAT BEEN CHANGED TO A PRETRIAL?
23 THEN WE WOULDN'T HAVE JURY SELECTION ON THE 7TH, IF IT'S A
24 BENCH TRIAL.

25 THE COURT: ALL RIGHT.